

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Shajuanda Martin,

Case No.: 2:21-cv-00461-JAD-CLB

Plaintiff

V.

Kilolo Kijakazi,¹ Commissioner of Social Security,

**Order Granting Motion to Dismiss,
Adopting Magistrate Judge's Report &
Recommendation, and Closing Case**

Defendant

[ECF Nos. 13, 17, 22, 23, 24, 25]

Pro se plaintiff Shajuanda Martin brings this action to challenge the Social Security

10 Administration’s (SSA) decision finding that she is no longer disabled and denying her disability
11 benefits.² The SSA Commissioner moves to dismiss Martin’s complaint, contending that it is
12 time-barred because a social-security claimant has only 60 days from receiving notice of the
13 SSA’s decision to appeal in federal court,³ and Martin filed this suit months after her 60-day
14 deadline passed.⁴ Although Martin filed an opposition to the motion to dismiss, she offers no
15 argument or evidence that she timely filed.⁵ Having evaluated the briefing, the magistrate judge
16 recommends that I dismiss this case because the statute of limitations bars Martin’s claims,
17 “there is no evidence that Martin requested an extension,” and she has not “shown any grounds

²⁰ ¹ Kilolo Kijakazi was sworn in as Commissioner of the Social Security Administration on July 9, 2021. Under Federal Rule of Civil Procedure 25(d), I direct the Clerk of Court to substitute Kilolo Kijakazi for Andrew Saul as the defendant in this case.

2 ECF No. 4.

³ ECF No. 13 at 2–6 (citing 42 U.S.C. § 405(g)).

23 | ⁴ ECF No. 13-1 at 3-4.

⁵ ECF No. 15.

1 for equitable tolling.”⁶ Martin’s objection to that recommendation contains no arguments to the
 2 contrary and nothing that would justify rejecting the recommendation or denying the motion to
 3 dismiss. Indeed, the record reflects that she filed this action more than seven months after notice
 4 was issued, missing the 60-day deadline without excuse or justification. Having reviewed the
 5 magistrate judge’s R&R, I find good cause to adopt it, and I do.

6 Martin also filed motions to extend time, issue summons, and add representatives.⁷
 7 Because I am dismissing this case, I deny those motions as moot.

8 IT IS THEREFORE ORDERED that the Commissioner’s motion to dismiss [ECF No.
 9 **13]** is GRANTED.

10 IT IS FURTHER ORDERED that the magistrate judge’s report and recommendation
 11 [ECF No. 17] is ADOPTED IN FULL and that the plaintiff’s amended objection to the R&R
 12 [ECF No. 23] is OVERRULED.

13 IT IS FURTHER ORDERED that the plaintiff’s motions to extend filing time [ECF No.
 14 **22**], issue summons [ECF No. 24], and add representatives [ECF No. 25] are DENIED as
 15 moot.

16 IT IS FURTHER ORDERED that the Clerk of Court is directed to **substitute Kilolo**
 17 **Kijakazi for Andrew Saul as the defendant in this case**⁸ and to CLOSE THIS CASE.

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 19 
 20 U.S. District Judge Jennifer A. Dorsey
 21 December 14, 2021

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 23⁶ ECF No. 17 at 3.

⁷ ECF No. 22; ECF No. 24; ECF No. 25.

⁸ See F.R.C.P. 25(d).